

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DAVE KEARNEY,

Plaintiff,

v.

**BAYERISCHE MOTOREN WERKE
AKTIENGESELLSCHAFT, et al.,**

Defendants.

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Civil Action No. 17-13544 (MCA) (MAH)

REPORT AND RECOMMENDATION

This matter having come before the Court on Plaintiffs' motion for entry of judgment pursuant to Fed. R. Civ. P. 54(b) to allow an immediate appeal of the Court's Orders dismissing Bayerische Motoren Werke Aktiengesellschaft ("BMW AG") for lack of personal jurisdiction and for a stay pending that appeal, D.E. 234;

and Defendants BMW AG and BMW of North America, LLC having filed an opposition to the motion, D.E. 236;

and Plaintiffs having filed a reply brief in further support of their motion, D.E.239;

and the Honorable Madeline C. Arleo, U.S.D.J., having referred this motion to the Undersigned to issue a Report and Recommendation;

and the Court having held a hearing on the record on the motion on September 5, 2024, during which it entertained further argument on the motion and opposition thereto from all parties;

and the Court having considered the parties' written submissions and oral arguments, as well as the relevant law;

and for the reasons set forth in the Oral ruling placed on the record during the September 5, 2024 hearing;

and for good cause shown,

IT IS on this 5th day of September 2024,

RESPECTFULLY RECOMMENDED that the Court deny Plaintiffs' motion for entry of judgment pursuant to Fed. R. Civ. P. 54(b) and Plaintiffs' request for a stay, D.E. 234.

The parties have fourteen days to file and serve any objections to this Report and Recommendation. L. Civ. R. 72.1(c)(2).

s/ Michael A. Hammer

Hon. Michael A. Hammer
United States Magistrate Judge